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SUPREME COURT, U. S.

No. 73-862

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In the Supreme Court of the United States

OCTOBER TERM, 1973

PETER J. LIMONE, PETITIONER

v.

UNITED STATES OF AMERICA

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioner was held in civil contempt for refusing to answer questions before a special United States grand jury for the District of Massachusetts after he had been granted use immunity pursuant to 18 U.S.C. 6002-6003. The court of appeals dismissed his appeal (Pet. App.).

Petitioner contends that requiring him to testify before the grand jury would deprive him of property

without due process of law, because testimony about his gambling activities could subject him to civil liability for his gambling winnings under Mass. Gen. Laws ch. 137, §§ 1, 2 (Pet. 6-10). He also contends (Pet. 10-19) that requiring him to testify would violate his privilege against self-incrimination, because the exception in 18 U.S.C. 6002 allowing prosecution for "perjury, giving a false statement, or otherwise failing to comply with the order" might subject him to prosecution for giving false statements to federal agents. Each of these contentions was properly rejected by the court of appeals, on whose opinion we rely.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

FEBRUARY 1974.

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